United Nations CEDAW/C/GBR/Q/8

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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Item 4 of the provisional agenda
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland

Applicability of the Convention

1. In paragraph 5 of the State party report (CEDAW/C/GBR/8), it is indicated that the State party will soon extend the application of the Convention to the remaining overseas territories and the Crown dependencies of Jersey and Guernsey.[1] In the annexes to the report, it is also stated that the Government of the Isle of Man will "reconsider the withdrawal of certain reservations". Please provide an update on the progress made to extend the Convention to the remaining territories of the State party and to withdraw reservations in respect of the Isle of Man. It is further indicated in the report that the State party intends to maintain reservations to articles 9, 11, 15 and 16 of the Convention (para. 4). Please explain the extent to which the State party considers these reservations to be compatible with the object and purpose of the Convention.

Legislative and policy framework

2. With reference to the Committee's previous concluding observations (CEDAW/C/GBR/CO/7, para. 13), please provide information on the steps taken to incorporate the provisions of the Convention into national law. Specifically, please provide information on the concrete measures taken to ensure that women in Northern Ireland have the same equality protections as their counterparts in England and that intersectional discrimination is recognized in equality legislation (CEDAW/C/GBR/CO/7, para. 19). In the light of the State party's decision to withdraw from the European Union, please provide information on the measures being

[1] Unless otherwise indicated, paragraph numbers refer to the eighth periodic report of the State party.

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taken to ensure that such withdrawal does not lead to retrogression in the protection of women's rights in the State party, including the loss of funding for specialized services for women and girls (para. 15). In the light of the withdrawal from the European Union, what measures are being taken to ensure that the provisions of the Convention are integrated into domestic law to guarantee women's rights? Please provide information on the possible negative impacts of a hard land border between Ireland and Northern Ireland on the enjoyment of rights by women and girls in Northern Ireland, and how the State party intends to mitigate such impacts.

Access to justice

3. In paragraph 172 of the report, it is stated that the Northern Ireland Executive had agreed in October 2016 to establish an independently chaired inter-departmental working group to look further into both mother and baby homes/Magdalene asylums (laundries) and clerical child abuse. Please provide an update on the progress made to implement the previous recommendations of the Committee to extend the remit of the Historical Institutional Abuse Inquiry to cover women who entered the Magdalene laundries at the age of 18 years and to provide adequate redress to victims of abuse who were detained in such institutions (CEDAW/C/GBR/CO/7, para. 25).

4. Please provide an update on the progress made to review the Legal Aid, Sentencing and Punishment of Offenders Act of 2012 in order to facilitate women's access to legal aid for litigation concerning, inter alia, divorce, property disputes, housing and immigration matters. What specific steps are being taken to ensure that disadvantaged groups of women, in particular "black, Asian and minority ethnic" women, asylum-seeking and migrant women, and women with disabilities, have access to legal aid?

National machinery for the advancement of women

5. Following the Committee's previous concluding observations (CEDAW/C/GBR/CO/7, para. 29), please provide information on the measures taken to ensure that the Government Equalities Office has a dedicated section for the coordination of gender equality matters in the State party and the activities undertaken by the Office with its counterparts, in particular in Northern Ireland and Scotland. Please also provide information on the measures taken to implement the Committee's previous recommendation to develop a unified, comprehensive and overarching national strategy for the implementation of the Convention throughout the territory of the State party (ibid.). What measures has the Government Equalities Office taken to conduct independent, participatory and periodic impact assessments of the domestic and extraterritorial effects of the State party's financial secrecy, trust and corporate tax policies and laws, such as those applicable in the Cayman Islands, on women's rights and on the substantive equality of women and men? In the light of the negative impacts of the State party's austerity measures on programmes that benefited women and girls, please inform the Committee if the State party envisages assessing the extent to which revenue losses, due to the use of offshore tax avoidance facilities, exacerbate gender inequality in the State party.

Temporary special measures

6. Please indicate whether any temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, have been adopted to accelerate the achievement of substantive equality between women and men. Please include information on the intended outcomes of those measures, information on their enforcement and monitoring and statistical data on the results achieved. Specifically, please provide information on the extent to which the State party has used the Equality

Act of 2010 to increase the representation of women in various fields, in particular in the judiciary and the police.

Discriminatory gender stereotypes and harmful practices

7. The State party report indicates that following the issuance of a report by the advertising regulator (the Advertising Standards Authority), which examined the harmful effects of stereotypes in advertising, the Government is considering options on how it can work with the sector to ensure that adverts depict both women and men in a positive manner (para. 39). Please provide an update on the progress made to collaborate with the Advertising Standards Authority in order to address stereotypical imaging and the objectification of women in the media and in advertising, in particular in tabloids. What specific steps have been taken to implement the recommendations of the Leveson Inquiry, including those that seek to give powers to a regulator to intervene in matters of discriminatory reporting (para. 40)? What concrete steps are being taken to combat stereotypes in counter-terrorism and counter-extremism measures, which lead to prejudice against and the stigmatization of Muslim women and girls in the State party?

8. The report indicates that in 2015 the State party introduced a number of provisions to strengthen the Female Genital Mutilation Act in order to help break down barriers to prosecution (para. 183). Please provide information on the extent to which these changes to the law have facilitated the prosecution of female genital mutilation cases in the State party. What progress has been made following the introduction of a mandatory reporting duty, which requires regulated health-care and social-care professionals, as well as teachers, to report to the police all "known" cases of female genital mutilation in girls under the age of 18 years? Please provide information on the progress made to provide medical and psychosocial support to women and girls who are victims of female genital mutilation. Please provide data on the number of surgical and other procedures that have been undertaken on intersex children under the age of 18 years in the State party.

Gender-based violence against women

9. The report indicates that the State party has introduced new laws and tools to protect women and girls who are victims of violence, including the criminalization of forced marriage and the national roll-out of domestic violence protection orders, as well as the domestic violence disclosure scheme (para. 180). Following the introduction of these new laws and tools, please provide information on the number of cases involving gender-based violence against women, including domestic violence, that have been reported, investigated and prosecuted and the nature of the sanctions imposed on perpetrators. Please also provide data on the number of protection orders issued and the level of compliance by alleged perpetrators of gender-based violence against women, including domestic violence. Please provide an update on the State party's efforts to: (a) introduce a new civil protection order for stalking to support victims of stalking; (b) adopt a new domestic abuse bill, which will seek to consolidate civil and criminal prevention and protection orders in order to create a clearer pathway of protection for victims (para. 182); and (c) adopt the Domestic Abuse (Scotland) Bill (para. 188). What measures are being taken to protect lesbian, bisexual and transgender women and girls from abuse and violence?

10. What efforts are being made to: (a) encourage women and girls to report incidents of violence against them, including domestic violence, by addressing negative attitudes by the police towards women and girls who are victims of domestic violence; (b) combat violence against "black, Asian and minority ethnic" women and girls, including domestic violence, in particular so-called "honour killings" among certain migrant communities; (c) ensure that women and girls who are victims of

gender-based violence, including domestic violence, in particular migrant and asylum-seeking women, have access to shelters that provide support services to victims; and (d) revise legislation to prohibit corporal punishment of children in homes to remove the defence of "reasonable chastisement" (para. 179). Please provide data on the number of women and girls who have benefited from the destitution domestic violence concession, which seeks to address concerns regarding the "no recourse to public funds" policy for victims of domestic violence (para. 87). Please state whether the State party envisages extending the destitution domestic violence concession to cover women with insecure immigration status, including asylum seekers (ibid.). Please provide information on measures being taken to protect asylum-seeking women with no recourse to public funds who are vulnerable to sexual exploitation, for example, in Wales, where there has been a rise in landlords advertising for sexual favours in exchange for accommodation (so-called "sex for rent").

Trafficking and exploitation of prostitution

11. In its previous concluding observations, the Committee expressed concern at weaknesses of the national referral mechanism in identifying victims of trafficking and the lack of adequate support provided to them (CEDAW/C/GBR/CO/7, para. 38). In the light of the new legislative measures taken by the State party to combat human trafficking and slavery (paras. 54–57), please provide information on the measures being taken to identify and address weaknesses in the national referral mechanism, and to ensure that victims of trafficking are properly identified and adequately supported and protected.

12. It is indicated in the report that, following the issuance of the interim report on prostitution of the Home Affairs Select Committee, the State party recognizes the need to gather robust evidence on the nature and prevalence of prostitution in England and Wales in order to properly assess the extent of the exploitation of prostitution (para. 58). Please provide information on the progress made to undertake this research and existing measures to support women who wish to exit prostitution and to reduce demand. Are plans envisaged to conduct similar research in Scotland and Northern Ireland? Please provide an update on the steps being taken to revise legislation in Northern Ireland in order to shift the burden of proof from the prosecution to the purchaser of sexual services once the prosecution proves that the child was over 13 years of age and under 18 years of age, and that the accused purchased sexual services from the child (CEDAW/C/GBR/CO/7, para. 41).

Participation in political and public life

13. It is indicated in the report that the #AskHerToStand campaign seeks to improve the representation of women in parliament in order to attain the equal representation of women and men (para. 62). Please provide information on other concrete actions being taken in order to improve the representation of women in parliament and in local government, in particular in Scotland, Wales and Northern Ireland.

14. Please provide an update on: (a) efforts to improve the low representation of women in senior positions in the judiciary and the civil service, in particular as Permanent Secretaries, and in sporting bodies (paras. 67 and 70); (b) the progress made to improve the representation of "black, Asian and minority ethnic" women (CEDAW/C/GBR/CO/7, para. 43); (c) efforts to evaluate the Access to Elected Office Fund, which seeks to help women with disabilities to overcome barriers that they face when vying for elected positions (para. 65); and (d) the progress made to develop an audit of inequalities and an action plan for the Department for Infrastructure in Northern Ireland, in the light of the finding that women were underrepresented on the boards of bodies linked to the former Department for Regional Development

(para. 68). Please provide information on the status of the Gender Representation on Public Boards (Scotland) Bill of 2017 (para. 79).

Women and peace and security

15. In the light of general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, please provide information on the progress made in implementing Security Council resolution 1325 (2000), including through the national action plan, which expired in 2017 (para. 74), and measures to adopt a new action plan. Please respond to reports that intimidation by paramilitary groups is a major barrier to women's effective participation in peacebuilding and other political processes in Northern Ireland. Please also state the measures that have been taken to ensure zero tolerance of sexual exploitation of women and girls by the State party's security personnel, including peacekeeping forces, the border police, immigration officials and humanitarian actors.

Education

16. Please provide an update on the progress made by the Department for Education to develop a careers strategy, which will include proposals for the promotion of gender equality, especially in relation to science, technology, engineering and mathematics (para. 88). Please provide an update on the progress made to address gender disparities in the construction and engineering sectors through the implementation of the Apprenticeship Diversity Champions Network (para. 89). Please also provide information on the progress made and other measures taken to strengthen the position of women in leadership roles in academic institutions. Please also provide data on the number of women in senior management positions of academic institutions and the number of women holding professorial positions in the State party (CEDAW/C/GBR/CO/7, para. 45). What measures are being taken to address gender-based harassment and bullying in education facilities, in particular of transgender women and girls?

17. The report indicates that, in Northern Ireland, the Department of Education commissioned the Council for the Curriculum, Examinations and Assessment to review and update the guidance on relationships and sex education for schools. Please provide an update on the progress made to ensure the delivery of mandatory age-appropriate education on sexual and reproductive health and rights as recommended by the Committee in its inquiry under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW/C/OP.8/GBR/1, para. 86 (d)), in particular in schools run by churches.

Employment

18. Please provide information on the progress made to narrow the gender pay gap in the State party, which stands at 18.4 per cent (para. 102). The report indicates that the gender pay gap for full-time employees has decreased from 9.4 per cent to 9.1 per cent, which is the lowest since the survey began in 1997 (ibid.). Please provide sex-disaggregated data regarding the gender pay gap for part-time employees and measures to address occupational segregation. What measures are being taken to adopt a gender pay gap strategy for Northern Ireland and to adopt regulations under the Employment Act (Northern Ireland) 2016 for reporting on the gender pay gap? What measures are being taken to combat sex-based discrimination and sexual harassment in employment? Please provide information on the number of women and men who have benefited from shared parental leave following the entry into force of the Shared Parental Leave Regulations in 2014 (para. 117). Please also provide information on the measures taken to raise awareness on the importance of responsible fatherhood and of men's participation in child-rearing and sharing of

family responsibilities, as well as to raise the awareness of employers and employees with respect to flexible work arrangements. Please provide information on measures to ensure the availability of affordable childcare facilities, in particular in Scotland and Northern Ireland, where the costs are reportedly exorbitant.

Health

19. Following the recommendations of the Committee in its inquiry (CEDAW/C/OP.8/GBR/1, paras. 85 and 86) focusing on Northern Ireland and the judgment of the Supreme Court of the United Kingdom delivered on 7 June 2018, please provide an update on the progress made to: (a) repeal sections 58 and 59 of the Offences against the Person Act of 1861 so that no criminal charges can be brought against women and girls who undergo abortion or against qualified health-care professionals and all others who provide and assist in the abortion; (b) adopt legislation to provide for expanded grounds to legalize abortion at least in the following cases: (i) threat to the pregnant woman's physical or mental health, without conditionality of "long-term or permanent" effects; (ii) rape and incest; and (iii) severe fetal impairment, including fatal fetal abnormality; (c) introduce, as an interim measure, a moratorium on the application of criminal laws concerning abortion and cease all related arrests, investigations and criminal prosecutions, including of women seeking post-abortion care and health-care professionals; and (d) adopt evidence-based protocols for health-care professionals on providing legal abortions, in particular on the grounds of physical and mental health; and ensure continuous training on the protocols.

Rural women

20. Please provide information on the existence of a strategy to address rural development, including on whether it incorporates a gender perspective and includes targeted support for rural women to increase their access to health, education, employment, transport, economic development initiatives and ownership of land and to promote their participation in decision-making. Please also provide information on measures taken to review and adjust levels of social benefits to ensure an adequate standard of living for women in rural areas. Please provide information on the measures being taken to mitigate and address the health and environmental impacts of toxic substances on women and girls, in particular rural women, due to planned fracking activities. Please also provide information on concrete steps taken to ensure that affected women and girls will participate in any decision-making related to the management of such health risks.

Disadvantaged groups of women

21. Please provide updated information on the human rights situation of older women, including widows, migrant women, "black, Asian and minority ethnic" women, Traveller women and women with disabilities, in respect to education, employment and access to health services, as well as to their protection from sexual violence and abuse. Please provide information on the extent to which the expanded Shared Ownership and Affordable Homes Programme 2016–2021 has benefited Gypsy and Traveller women and girls (para. 158). What concrete steps are being taken to end the detention and destitution of refugee and asylum-seeking women and girls, in particular pregnant women and mothers with children? Please also provide information on the measures being taken to assess the impacts of the Universal Credit and to adopt a split payment system to protect women who are victims of intimate partner domestic violence. Please state the measures being taken to address the negative impact on women of the legislative changes to the Pensions Act of 1995,

which seek to equalize the State pension age for men and women, who face serious financial hardships as a result and are compelled to seek employment.

Women in detention

22. Please provide information on the concrete measures taken to address the overrepresentation of black and ethnic minority women in places of deprivation of liberty and the reported excessive use of pretrial detention of women in the State party (CEDAW/C/GBR/CO/7, para. 55). Please provide age-disaggregated data on the number of women in the State party's prisons and other places of deprivation of liberty who are on remand and the length of their pretrial detention. What measures have been adopted to ensure that women, who are often incarcerated for non-violent offences, are subjected to alternative sentences, such as community service? In the light of the Committee's previous recommendations (ibid.) and the State party's Corston and Lammy reports, what measures are in place to enhance mental health services for women in prisons, considering the prevalence of self-inflicted harm and suicide? Please provide information on the State monitoring of any privately run places of deprivation of liberty in the State party and the measures taken to ensure their compliance with the Convention and other human rights standards.

Marriage and family relations

23. The report indicates that the State party is considering whether further reform is needed to the family justice system in England and Wales to ensure that the law on property rights delivers the best outcomes for children and families and protects the most vulnerable users of the system (para. 178). Please provide information on the possible gaps in the law that would necessitate such reforms and whether any progress has been made in this area.